

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 106, "Deer Hunting by Residents," Iowa Administrative Code.

This chapter sets the season dates, shooting hours, license types, quotas and restrictions, method of take and tagging, and reporting requirements for resident deer hunting. It also includes rules for issuing depredation licenses and shooting permits.

The amendments clarify that it is illegal to carry someone else's license while hunting and restore the closing date for the late muzzleloader season to January 10. The amendments increase the antlerless quotas by 10,500 licenses over 2007. The amendments clarify that, if a youth hunter is unsuccessful, as specified in Iowa Code section 483A.8(7), the youth hunter may continue to use the hunter's either-sex license. The amendments clarify that hunters using a blind during the shotgun deer season are required to display blaze orange. The amendments implement the changes suggested from a Kaizen event that was held to improve the deer depredation process and implement the changes in the Iowa Code specified in 2008 Iowa Acts, Senate File 2328. The amendments remove the season extension that was established by an emergency rule making after the ice storms in 2007. The amendments also update the implementation clause.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 9, 2008, as **ARC 6699B**. A public hearing was held on April 29, 2008, and 13 comments were received. Another 50 written comments were received that included the following: statements that the deer herd has been reduced in areas of the state and that the deer herd had increased in the same areas; requests to make unused deer tags for antlerless deer good for all seasons and either-sex deer tags valid for both gun seasons; that landowners should be able to transfer their tags; and a recommendation that the blaze orange on ground blind regulation should be removed.

Changes have been made to the Notice. Item 3, which amends subrule 106.6(6), has been added based upon the results of deer population data gathered since the Notice was published. The additional antlerless licenses should help reduce deer numbers to the Department's goal. To meet the requirements specified in 2008 Iowa Acts, Senate File 2328: (1) Item 6, which rescinds paragraph 106.11(2)"d," and Item 8, which rescinds subrule 106.11(5), have been added, and (2) Item 7, which amends subrule 106.11(4), has been modified.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.24, 483A.24B, and 483A.24C.

These amendments shall become effective August 20, 2008.

The following amendments are adopted.

ITEM 1. Amend rule **571—106.1(481A)**, as follows:

571—106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No one who is issued a deer hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while that person is deer hunting or tagging a deer.

ITEM 2. Amend subrule 106.2(3) as follows:

106.2(3) Muzzleloader seasons. Deer may be taken in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January ~~13~~ 10 of the following year (late muzzleloader season).

ITEM 3. Amend subrule 106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county as follows:

<u>County</u>	<u>Quota</u>	<u>County</u>	<u>Quota</u>	<u>County</u>	<u>Quota</u>
Adair	1750 <u>2100</u>	Floyd	250	Monona	950 <u>1350</u>
Adams	1850 <u>1950</u>	Franklin	150	Monroe	3000
Allamakee	4500	Fremont	1100 <u>1300</u>	Montgomery	1000 <u>1150</u>
Appanoose	3300	Greene	150	Muscatine	1700
Audubon	100	Grundy	0	O'Brien	0
Benton	1000	Guthrie	3000 <u>3300</u>	Osceola	0
Black Hawk	0	Hamilton	100	Page	1300 <u>1500</u>
Boone	500 <u>650</u>	Hancock	0	Palo Alto	0
Bremer	500 <u>700</u>	Hardin	400	Plymouth	100
Buchanan	300 <u>400</u>	Harrison	1000 <u>1350</u>	Pocahontas	0
Buena Vista	0	Henry	2000	Polk	1000 <u>1250</u>
Butler	250	Howard	800	Pottawattamie	1300 <u>1600</u>
Calhoun	0	Humboldt	0	Poweshiek	750
Carroll	100	Ida	0	Ringgold	2500 <u>2600</u>
Cass	800 <u>1000</u>	Iowa	1200	Sac	0
Cedar	1000 <u>1300</u>	Jackson	1800	Scott	800
Cerro Gordo	0	Jasper	1000 <u>1300</u>	Shelby	250
Cherokee	0	Jefferson	2000 <u>2150</u>	Sioux	0
Chickasaw	600	Johnson	2000	Story	400 <u>500</u>
Clarke	1700 <u>1900</u>	Jones	1500	Tama	800
Clay	0	Keokuk	1700 <u>1900</u>	Taylor	2300 <u>2450</u>
Clayton	5500 <u>5800</u>	Kossuth	0	Union	1900 <u>2100</u>
Clinton	1200	Lee	2500	Van Buren	5000 <u>5400</u>
Crawford	150	Linn	1900	Wapello	2000 <u>2150</u>
Dallas	1800 <u>2300</u>	Louisa	1500	Warren	1800 <u>2400</u>

<u>County</u>	<u>Quota</u>	<u>County</u>	<u>Quota</u>	<u>County</u>	<u>Quota</u>
Davis	3300 3600	Lucas	1600 1800	Washington	2150 2250
Decatur	2800	Lyon	0	Wayne	2500 3000
Delaware	1400 1700	Madison	2000 3000	Webster	100
Des Moines	2000	Mahaska	1100 1350	Winnebago	0
Dickinson	0	Marion	1350 1750	Winneshek	3500
Dubuque	2000	Marshall	500 650	Woodbury	950 1250
Emmet	0	Mills	1000 1150	Worth	100
Fayette	2500 3000	Mitchell	250	Wright	0

ITEM 4. Amend subrule 106.7(8) as follows:

106.7(8) ~~Ground Hunting from blinds.~~ No person shall use a ~~ground~~ blind for hunting deer during the regular gun deer seasons as defined in 106.2(3), unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. Such blaze orange shall be affixed directly on or directly on top of the blind. ~~As used in this subrule, “ground blind” means a constructed place of concealment used for the purpose of hiding a person who is hunting from sight. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.~~ For the purposes of this subrule, the term “blind” is defined as a place of concealment constructed, either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

ITEM 5. Amend subrule 106.10(2) as follows:

106.10(2) *Season dates.* Deer of either sex may be taken statewide for 16 consecutive days beginning on the third Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during the early muzzleloader, late muzzleloader, and one of the shotgun seasons. The license will be valid for the type of deer and in the area specified on the original license. The youth must follow all other rules specified in this chapter for each season. A youth hunting in one of ~~these~~ the other seasons must obtain a hunting license and habitat stamp or hunt with a licensed adult if required by Iowa Code section 483A.24. If the tag is filled during one of the seasons, the license will not be valid in subsequent seasons.

ITEM 6. Rescind paragraph **106.11(2)“d.”**

ITEM 7. Amend subrule 106.11(4) as follows:

106.11(4) *Depredation permits.* Two types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued ~~in blocks of five licenses~~ up to the number specified in the management plan.

~~(2) Depredation licenses may be sold to individuals designated by the producer as having permission to hunt.~~ The landowner or an eligible family member, which shall include the landowner's spouse or domestic partner and juvenile children, may obtain one depredation license for each season established by the commission. No other individual may initially obtain more than three depredation licenses per management plan. When a deer is reported harvested on one of these licenses, then another license may be obtained. ~~Licenses will be sold by designated department field employees.~~

(3) Depredation licenses will be valid only for hunting antlerless deer, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(4) Hunters may keep any deer legally tagged with a depredation license.

(5) All other regulations for the hunting season specified on the license will apply.

(6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph (7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

(7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation ~~permits~~ licenses issued to producers within the block hunt ~~zone~~ area are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt area boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers who have an approved DNR deer depredation plan, and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops or agricultural crops may be valid for taking deer outside of a hunting season depending on the nature of the damage. The number and type of deer to be killed will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved ~~maintains a deer proof fence and~~ signs an agreement with the department.

(5) ~~Disposal of deer killed under these permits shall be coordinated with the local conservation officer.~~ All deer killed must be recovered and processed for human consumption.

(6) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(7) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(8) For out-of-season shooting permits, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93.

c. Depredation licenses and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

d. Depredation licenses and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd. This restriction does not apply in situations where shooting permits are issued for public safety concerns.

ITEM 8. Rescind and reserve subrule **106.11(5)**.

ITEM 9. Rescind and reserve rule **571—106.14(481A)**.

ITEM 10. Amend **571—Chapter 106**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, ~~and~~ 483A.24, 483A.24B, and 483A.24C.

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